

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LUCINDA BEADLE, Personal  
Representative of the Estate of Daniel A.  
Elrod, Deceased;

Plaintiff,

vs.

THE CITY OF OMAHA, a political  
subdivision of the State of Nebraska;

Defendant.

**8:18CV82**

**ORDER ON MOTION TO COMPEL  
AND  
SHOW CAUSE ORDER**

Defendant has moved to compel responses to written discovery served on March 27, 2019. (Filing No. 53). The motion states that during a conversation on May 8, 2019, Plaintiff's counsel stated that Plaintiff would not be responding to the discovery. Plaintiff has not responded to Defendant's motion to compel, and the deadline for doing so has passed. The motion is deemed unopposed.

Defendant previously filed a motion to exclude Plaintiff's identified expert witness, explaining an expert report was never disclosed. (Filing No. 46). Plaintiff did not respond to that motion. The motion was granted by the undersigned magistrate judge. (Filing No. 52). Plaintiff did not appeal that order.

Defendant moved for summary judgment on July 17, 2019. (Filing No. 49). Plaintiff has not responded to the summary judgment motion, and the deadline for doing so has passed.

Based on the court's docket, Plaintiff has neither filed nor served anything in this case since March 1, 2019. (Filing No. 43).

Accordingly,

IT IS ORDERED:

1) Defendant's unopposed motion to compel, (Filing No. 53), is granted. Plaintiff shall provide full and complete answers to Defendant's written discovery on or before August 30, 2019, and on the date the discovery responses are served, file a certificate of service on this court's docket indicating service of discovery answers. See NECivR 33.1(e), 34.1(b), and 36.1(c).

2) On or before August 30, 2019, Plaintiff shall show cause why this case should not be dismissed for want of prosecution. The failure to timely comply with this order will result in dismissal of this action without further notice.

Dated this 16th day of August, 2019.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge